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8 Attorneys for Plaintiff

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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA, ) CR No. 03-07-70347 BZ  
15 Plaintiff, )  
16 v. ) STIPULATION AND [PROPOSED] ORDER  
17 GERALDO RODRIGUES, ) CONTINUING THE PRELIMINARY  
18 Defendant. ) HEARING AND EXCLUDING TIME  
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20 \_\_\_\_\_ This matter is set for a Preliminary Hearing on March 28, 2008. The parties now  
21 stipulate and request that the Court enter an Order that the Preliminary Hearing be removed from  
22 the March 28, 2008 calendar and be continued until April 25, 2008 and that time should be  
23 excluded from the Speedy Trial Act calculations from March 28, 2008 through April 25, 2008  
24 for effective preparation of counsel. Since the last appearance before this Court, the defendant  
25 has been designated as a material witness and held on a material witness arrest warrant in the  
26 matter of *United States v. Glenio Jesua Ferreira Silva*, 07-678 JSW. The parties anticipate that  
27 the defendant will be deposed in this matter in early to mid-April 2008. The parties have been  
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1 and continue to discuss pre-trial resolution of this matter and require additional time for the  
2 parties to engage in meaningful discussions. Further, counsel for the defendant does not believe  
3 that it is within his client's best interest to hold a preliminary hearing within 20 days, pursuant to  
4 Fed. R. Crim. P. 5.1(c),(d). The parties represent that granting this continuance is necessary for  
5 effective preparation of counsel to permit counsel time to discuss pre-indictment resolution,  
6 taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv).

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8 IT IS SO STIPULATED.

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JOSEPH P. RUSSONIELLO  
United States Attorney

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DATED: March 27, 2008

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/s/  
DENISE MARIE BARTON  
Assistant United States Attorney

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DATED: March 27, 2008

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/s/  
RONALD C. TYLER  
Attorney for GERALDO RODRIGUES

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**IT IS SO ORDERED.**

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19 For the reasons stated above, the Preliminary Hearing shall be removed from the March 28,  
20 2008 calendar and be continued until April 25, 2008. The Court further finds that the ends of  
21 justice served by the continuance outweigh the best interests of the public and the defendant in a  
22 speedy trial and that time should be excluded from the Speedy Trial Act calculations from March  
23 28, 2008 through April 25, 2008 for effective preparation of counsel. See 18 U.S.C.  
24 §3161(h)(8)(A). The failure to grant the requested continuance would deny the defendant  
25 effective preparation

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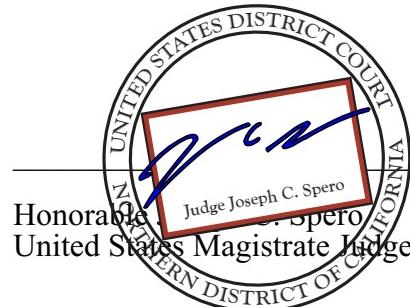
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1 of counsel, taking into account the exercise of due diligence, and would result in a miscarriage of  
2 justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

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4  
5 DATED: 03/31/08



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